

BOARD OF ZONING ADJUSTMENT MINUTES
MEETING OF APRIL 1, 2002 - 2:00 P.M.
MOBILE GOVERNMENT PLAZA, MULTI-PURPOSE ROOM

MEMBERS PRESENT

John Peebles, Chairman
Reid Cummings, Vice-Chairman
Richard Collier
Rev. Clarence Cooke
Edley Hubbard (S)
H. Lamar Lee

MEMBERS ABSENT

Rev. P. H. Lewis

STAFF PRESENT

Frank Palombo, Planner I
Timothy Ashley, Planner I
Jennifer Henley, Secretary II

OTHERS PRESENT

David Roberts, Traffic Engineering
David Daughenbaugh, Urban Forestry
John Lawler, Assistant City Attorney

Chairman Peebles noted the number of members present constituted a quorum and called the meeting to order.

The notation *motion carried unanimously* indicates a consensus, with the exception of the Chairman who does not participate in voting unless otherwise noted.

APPROVAL OF MINUTES:

A motion was made by Mr. Collier and seconded by Mr. Cummings to approve the minutes of the meeting of March 4, 2002, as submitted. The motion carried unanimously.

HOLDOVER:

#5101

(Case #ZON2002-00352)

Dr. Jean Sansaricq

2358 Wagner Street

(Northeast corner of Stanton Street and Wagner Street)

Use Variance to allow off-site (paved) parking in an R-1, Single-Family Residential District for an adjacent commercially zoned property; a minimum of B-1, Buffer Business District is required.

The site plan illustrates the proposed parking area, landscape, area, and proposed concrete walk along Wagner Street.

Mr. Leonard Wyatt represented the applicant and stated that the purpose of this application was to allow off-site parking for a doctor's office. He presented a letter from the Mobile Mental Health Department indicating that their parking facility across from the doctor's office would not be available for lease to Dr. Sansaricq. He went on to say that neighbors in the area were pleased that the lot would be developed aesthetically. He requested approval of the application.

There was no one present in opposition.

Mr. Peebles noted that ideally, a doctor's office would not go in a residential area. He commented that the Mobile Mental Health Board denied parking privileges in their lot across the street.

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Discussion centered on the length of time the doctor was located at this site, the reason for the need for additional parking, how the current zoning came to be, and whether there was any opposition to the proposal. It was explained that he had been in the location since 1985 or 1986, that the practice had increased, that a previous Director of Urban Development had approved the zoning clearance, and that there was no known opposition.

Mr. Peebles asked if the site plan presented was acceptable.

Mr. Palombo said yes, but the staff would ask that the site be made to comply with the Landscaping and Tree Ordinance. He went on to say that Traffic Engineering had requested ingress and egress on Stanton Road, with a one-way exit onto Wagner Street.

Mr. Collier expressed concern that a paved surface would preclude use of the property for residential purposes in the future. He felt it would be better to use a gravel surface.

Mr. Cummings suggested that elderly people would have a difficult time walking across gravel.

Mr. Hubbard felt it was unlikely that the office would revert to residential use because there was a number of other businesses in the area.

Mr. Collier asked if there was sufficient area in the rear of the building for parking.

Mr. Palombo did not feel there was.

A motion was made by Mr. Hubbard and seconded by Mr. Collier to approve the request for a Use Variance to allow off-site (paved) parking in an R-1, Single-Family Residential District for an adjacent commercially zoned property at the above referenced location subject to the following conditions:

- (1) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site;
- (2) the provision of a buffer, in compliance with Section IV.D.1. where the site adjoins residential zoning; and
- (3) that access be two-way on Stanton Street and one-way, right-turn exit only on Wagner Street designated with the appropriate signage, to be approved by the Traffic Engineering Department.

The motion carried unanimously.

PUBLIC HEARINGS:

#5108

(Case #ZON2002-00447)

Parker R. Buckley, Jr.

653 & 659 St Francis Street

(Southeast corner of St Francis Street and N. Washington Avenue)

Parking Surface and Driveway Width Variances to allow an aggregate surface and a 9' wide driveway; all access and maneuvering areas must be asphalt, concrete or an alternative parking surface and one way drives must be a minimum of 12 feet wide in a B-4, General Business District.

The plan illustrates the existing structures on the adjoining property and the proposed limestone parking.

Mr. Parker R. Buckley, Jr. the applicant, stated that this application involved a grass parking lot behind a building he owned on St Francis Street. Over the years the lot had begun to slope toward the building and there was a flooding problem in 2001. He wanted to cut the lot so that the slope would be away from the building and provide crushed limestone parking surface for six cars.

Mr. Peebles asked why Mr. Buckley could not comply with the Zoning Ordinance.

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Mr. Buckley said the Mobile Historic Development Commission recommended an aggregate surface in lieu of asphalt. He went on to say that the lot extended to Dearborn Street, and his long-range plan included placing houses on Dearborn Street and on Washington Avenue. Mr. Buckley said that he was unaware that there was a 12 feet requirement for a driveway.

Mr. Peebles asked if this was a public outlet.

Mr. Palombo said yes.

Mr. Buckley said the driveway was his property.

Mr. Palombo said the alley between the two buildings on St. Francis Street was private property.

A brief discussion centered on the applicant's plan to acquire ownership of the public outlet.

Mr. Collier asked if ingress and egress to Dearborn Street was planned.

Mr. Buckley said no.

There was no one present in opposition.

Mr. Peebles noted a need to see public alleys on the plat. He felt that the applicant could probably get the alley vacated, but it would take a long time. He went on to say that the Board could not give the applicant relief in the alley until it was vacated. He felt the plan could be flipped to the south.

Mr. Palombo felt the applicant did not need relief because there was 61' of frontage, which would allow him to build a 24' wide access. He added that the applicant wanted to use an existing curb cut and put in a gravel surface.

Mr. Peebles expressed concern about a gravel surface shifting.

Mr. Collier said he would want wheel stops on any aggregate surface to delineate parking spaces, which could be used to help contain the aggregate surface.

Further discussion centered on the number of parking spaces and the need for a 24' wide access.

Mr. Lee asked how residentially saturated the area was. He referred to a letter in the file from a surrounding property owner.

Mr. Peebles explained that the B-4 zoning area (mixed commercial, residential, high-density occupation) allowed the applicant to use the subject area for parking. He noted that there were not a lot of residences in the area.

Mr. Hubbard asked the use of the two buildings on the property.

Mr. Peebles said it was a mailing service.

A motion was made by Mr. Collier and seconded by Mr. Hubbard to approve the request for Parking Surface and Driveway Width Variances to allow an aggregate surface and a 9' wide driveway at the above referenced location.

After discussion, it was decided to deny your request for a Driveway Width Variance. However, it was also decided to approve your request for a Parking Surface Variance subject to the following conditions:

- (1) that there be no parking in the public alley;
- (2) that the ingress and egress to North Washington Avenue be 24' in width;
- (3) provision of wheel stops to delineate parking;

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- (4) provision of a border around the parking area to contain the aggregate material; and
- (5) full compliance with the landscaping and tree planting requirements of the Ordinance for the entire site (planting to be allowed in the “neutral” area subject to Urban Forestry approval).

The motion carried unanimously.

#5109

(Case #ZON2002-00639)

Erato Realty Corporation, M Don Williams, Agent

3347 Halls Mill Road

(East side of Halls Mill Service Road (Private Road), 230' ± South of Halls Mill Road)

Use, Landscaping and Parking Variances to allow a stone cutting, shaping and finishing company with 960 square feet of front and total landscaping, and 10 parking spaces in a B-3, Community Business District; a minimum of an I-1, Light Industrial District; 2,238 square feet of front landscaping and 3,729 square feet of total landscaping, and 12 parking spaces are required.

The plan illustrates the existing building and parking.

Mr. M. Don Williams of Williams Engineering represented the applicant and stated that the proposed use of the property was for a granite countertop cutting, storage, and distribution company. He felt the hardship was the classification for the new tenant rather than the property itself. He anticipated that there would be fewer than ten customers coming to the location on a daily basis. Mr. Williams felt that although the staff indicated this use was more appropriate for a site zoned I-1, it was similar in nature to a cabinet shop operation and therefore was suitable for a B-3 site. He requested a Use Variance. He went on to say that they proposed to define parking and provide frontage trees. He referred to the staff report, which addressed the possibility of a need for subdivision approval by the Planning Commission. Mr. Williams felt the surrounding property owners would not want to get involved in such a process, as it would be no advantage to them.

Mr. Hubbard asked if there would be access difficulty for delivery trucks.

Mr. Williams said no because the north side was completely opened.

Mr. Cummings asked if they planned any other improvements to the property, such as fencing.

Mr. Williams said not at this time, but they were open to such requirements.

Mr. Collier expressed concern about noise generated by the business.

Mr. Williams felt the operation was similar to a cabinet shop and that the noise would be at intermittent times, not all day.

Mr. Collier felt a wooden fence on the east side with shrubbery on the inside would reduce the noise level.

Mr. Williams said this would be an acceptable condition to of approval.

Mr. Hubbard asked how water runoff would be handled.

Mr. Williams said it would go from the west to an existing ditch near the interstate and there would be no change to the existing pattern. The water from the stone cutting operation would be contained within the building. It would not be released onto the site.

Mr. Cummings asked how close they were to the building to the north.

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Mr. Williams said it was approximately 20' to 25' from the north property line to the building to the north.

Mr. Daughenbaugh asked the type of existing utility easement shown on the site plan.

Mr. Williams said there were no overhead power lines.

There was no one present in opposition.

A brief discussion centered on the noise factor associated with this business and the use of the adjoining property to the east.

Mr. Ashley felt there was not a hardship on the property, only that the applicant could not find a suitable I-1 site.

Mr. Peebles said the applicant would argue the hardship was in the interpretation of the Ordinance.

There was an extended discussion as to whether this was a legal lot of record. There was not recent sale or conveyance of the property and no conclusion could be drawn.

A motion was made by Mr. Collier to holdover this application until the meeting of May 6, 2002, to allow additional time to investigate the history of the property in regard to prior use and subdivision.

The motion carried unanimously.

OTHER BUSINESS:

#5067

(Case #ZON2001-01901)

Louisiana Unwired, LLC (George Richard Claxton, Sr., Owner)

3256 Dauphin Island Parkway

(West side of Dauphin Island Parkway, 60' ± North of Gill Road)

Height, Setback and Separation Buffer Variances to allow the construction of a 150' Monopole Telecommunications Tower, the maximum allowable height is 45' in a B-2, Neighborhood Business District; to allow the construction of said tower to within 60' of a lease parcel line, a 150' tower must be setback at least 250' from a lease parcel line; and to allow a 150' tower to be located within 60' of residential zoned property, a minimum separation of 225' (150% of the height of the tower) is required.

Mr. Rick Shaw of Faulk & Foster Real Estate represented the applicant and stated that they were seeking a six-month extension of a previous approval for the construction of a 150' monopole Telecommunications Tower. The reason was to allow time for resolution of a pending appeal of a denial by the Planning Commission.

A motion was made by Mr. Collier and seconded by Mr. Hubbard to allow a six-month extension of the previously approved Height, Setback and Separation Buffer Variances to allow the construction of a 150' monopole Telecommunications Tower, the maximum allowable height is 45' in a B-2, Neighborhood Business District.

The motion carried unanimously.

Appeals

Mr. Lawler reported that a summary judgment was denied in the Commerce Building case.

An injunction was filed against Mr. Thomas Hand for storing automobiles on his lot on Navco Road. The trial for the fence variance was set for June.

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The Court of Civil Appeals in the tri-vision sign case upheld the action of the Board and has been appealed to the Supreme Court.

There being no further business, the meeting was adjourned.

APPROVED: May 6, 2002

/s/ Chairman of the Board

/rm